

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PATTIE K. CREEK, Administratrix of the :
Estate of Russell C. Hoover, :
Plaintiff :
v. : No. 1:17-cv-01304
: (Judge Kane)**

**FRANKLIN COUNTY, et al., :
Defendants :
ORDER**

AND NOW, on this 30th day of May 2018, in accordance with the Memorandum entered concurrently with this Order, **IT IS ORDERED THAT** Defendants Franklin County and the Franklin County Probation Department's motion to dismiss (Doc. No. 8), Count I of Plaintiff Pattie K. Creek's complaint (Doc. No. 1), is **GRANTED**. Count I of the complaint, asserting claims under 42 U.S.C. § 1983, is **DISMISSED WITH PREJUDICE**. **IT IS FURTHER ORDERED THAT** Count II of the complaint, asserting a state law claim of negligence, is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1367(c)(3). The Clerk is directed to **CLOSE** this case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania